

### **REMARKS**

Applicants wish to thank the Examiner for the courtesy extended to the telephone interview conducted on September 13, 2006 with the undersigned. Applicants respectfully request reconsideration of this application in view of the foregoing amendments and following remarks.

#### **Status of the Claims**

Currently, the claims under examination are claims 1-11, 15, and 16. Claims 12-14 were previously withdrawn from examination by the Examiner. All of the pending claims (i.e., claims 1-11, 15 and 16) stand rejected. In this paper, claims 1, 4, 5, 6, 10, 11, 15 and 16 have been amended. No new matter has been added by this amendment.

#### **Rejections**

Claims 1-6, 10, and 11 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated over U.S. Patent No. 5,633,527 to Lear ("Lear"). Claims 1, 2, 9, 10, 15, and 16 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 2000-231105A to Shirasaki ("Shirasaki"). Claims 7 and 8 have been rejected 35 U.S.C. §103(a) as allegedly being unpatentable over Lear, in view of either U.S. Patent No. 6,359,735 B1 to Gombert ("Gombert"), or JP 10-288705A to Aoki et al. ("Aoki").

#### **Telephone Interview**

During the September 13, 2006 telephone interview, the Examiner appeared to agree that the cited references overall fail to teach the Applicants' invention in which one of the surfaces of the substrate of the area light emitting element includes a recess for accommodating an optical member such as a liquid crystal panel. However, the Examiner pointed out that the term "optical member" in the claims could be broadly interpreted to cover any optical devices such as, for

example, the optical lens 14 as shown in Fig. 6 of Lear and the color filter 403 as shown in Fig. 1 of Shirasaki rendering the claims being anticipated by the references. The Examiner also indicated that Applicants would have a stronger position if the term “optical member” is amended to recite a specific optical structure. The Interview Summary mailed on September 15, 2006 subsequent to the September 13, 2006 telephone interview describes, *inter alia*, that “... although the specification by applicants would have allowed a more specific and comprehensive optical structure to be recited instead of the extremely broad term ‘optical member.’”

In response, claims have been amended for further clarification. In particular, the term “optical member” in claims 1, 2, 9, 10, 15, and 16 has been amended to read -- liquid crystal panel --.

#### **Lear Does Not Teach Applicants’ Invention**

In rejecting Applicants’ claims 1-6 and 10-11, the Final Office Action contends that Lear teaches “an area light emitting element 42 (col. 14, l. 6-42) arranged directly on and supported by the substrate (see Figure 6)” [March 29, 2006 Office Action, at page 3]. More specifically, the Final Office Action alleges that the lower refractive index portion 28 of Lear’s lens forming region 44 in Figure 6 is equivalent to Applicant’s “substrate” and that Lear’s light active region 42 is equivalent to Applicant’s “area light emitting element”.

Considering the amendments as indicated above, Applicants believe that the above rejections based on Lear are no longer valid, i.e., the device structure of Lear cannot be equated to Applicants’ invention. For example, Lear’s lens forming region 44 cannot be the substrate of the present invention where a recess accommodates a liquid crystal panel.

Additionally, without even commenting on whether these components of Lear are indeed equivalent to Applicant’s “substrate” and “area light emitting element”, Applicant respectfully

notes that Lear's light active region 42 is not "arranged directly on and supported by" the lower refractive index portion 28. As shown in Figure 6, there is a layer interposed between the uppermost layer of the light active region 42 and the lower refractive index layer 28. This layer, which is one of the semiconductor layers 16, is located below the cross-hatched lower refractive index portion 28, but above the upper cladding layer 50 of the light active region 42. Because this layer completely separates light active region 42 and lower refractive index layer 28, Figure 6 of Lear does not teach "an area light emitting element arranged directly on and supported by the substrate" as recited in Applicant's claims 1-6 and 10-11. Applicants have reviewed the rest of Lear and do not see where Lear teaches, expressly or otherwise, "an area light emitting element arranged directly on and supported by the substrate" as recited in Applicants' claims.

For at least these reasons, the rejection of Applicant's claims 1-6 and 10-11 under 35 U.S.C. §102(b) should be withdrawn.

**Shirasaki Does Not Teach Applicants' Invention**

In its rejection of claims 1, 2, 9, 10, 15, and 16 over Shirasaki, the Final Office Action alleges that the multiple layers 20/30/412/411/410 of Shirasaki are equivalent to Applicant's "substrate", and that organic EL element 10 is equivalent to Applicants' "area light emitting device". The Final Office Action further contends that Shirasaki teaches "a liquid crystal panel 407" which allegedly is an "optical member" as recited in Applicant's claims [Office Action, p. 6].

In view of the amendments to the claims as indicated above, Applicants believe that the rejections based on Shirasaki is no longer valid, i.e., the device structure of Shirasaki cannot be equated to Applicants' invention. For example, the multiple layers 20/30/412/411/410 of

Shirasaki which forms the liquid crystal panel 40 cannot also be “a substrate” of an area light emitting element as required by the present invention.

For at least this reason, the rejection of claims 1, 2, 9, 10, 15, and 16 under 35 U.S.C. §102(b) as allegedly being anticipated by Shirasaki should be withdrawn.

**Gombert and Aoki Does Not Teach Applicants' Invention**

Applicants note that none of the secondary references (i.e., Gombert and Aoki) show or suggest the inventive aspect of the present application which requires a substrate of an area light emitting element have a recess to accommodate a liquid crystal panel. Accordingly, the rejection of claims 7 and 8 under 35 U.S.C. §103(a) should be withdrawn.

Applicants believe that the application as amended is in condition for allowance and such action is respectfully requested.

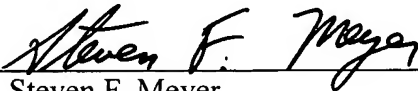
**AUTHORIZATION**

A petition for a three-month extension of time along with the associated fee is enclosed, extending the date for responding until September 29, 2006. Should an additional extension of time be required to render this paper timely filed, such extension is hereby petitioned and the Commissioner is authorized to charge any other fees necessitated by this Amendment, or credit any overpayment to our Deposit Account No. 13-4500 (Order No. 5000-5157). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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Dated: September 25, 2006

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